

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Class Representative Sabrina Chin (“Plaintiff”) hereby serves notice of her motion and hereby makes her motion to be heard on June 4, 2010 at 9:30 a.m. before the Honorable Richard J. Sullivan in courtroom 21C of the United States District Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York for an order that: (1) certifies the already preliminarily approved class for purposes of final settlement and continues its appointment of Sabrina Chin as the class representative and Reese Richman LLP as class counsel; (2) grants final approval of the class action settlement; (3) grants approval of payment by defendant RCN Corporation (“Defendant”) to Reese Richman LLP of an amount of \$540,000 for the fees and costs expended by Reese Richman LLP in litigating this matter; and (4) grants approval of payment by Defendant to Plaintiff Sabrina Chin of an amount of \$3,000 as an incentive award for her efforts as the class representative in this matter.

This Motion is made pursuant to Federal Civil Procedure Rules 23(e) and 54(d)(2) and is based upon the accompanying Memorandum of Points and Authorities in Support of the Plaintiff’s Motion for Final Approval of Settlement; the accompanying Declaration of Michael R. Reese in Support of Motion for Final Approval of Settlement and documents attached thereto; the Certification of Paul Eskildsen Regarding Distribution of Notice; and, all other pleadings in the Court’s file.

Respectfully submitted,

Dated: May 28, 2010

REESE RICHMAN LLP

By: /s/ Michael R. Reese

Michael R. Reese

Kim E. Richman

Belinda L. Williams

875 Avenue of the Americas, 18th Floor
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Counsel for Plaintiff and the Class